



JIM BATES

44th DISTRICT, CALIFORNIA

**Congress of the United States
House of Representatives
Washington, D.C. 20515**

HAZARDOUS WASTE FILE

PLEASE REPLY TO:

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(619) 287-8851

*H/W
cc: Committee
+ Mike M,
Brad F.
Carl H.
Bill J.
Herb
Jog*

August 12, 1986

Southwest Marine
ATTN: Bruce Gair
P. O. Box 13308
San Diego, California 92113

Dear Bruce:


Knowing of your interest in the Navy's hazardous waste disposal policy, I would like to inform you of recent actions I have taken regarding this policy.

I am very concerned by the Navy's approach to the disposal of waste from its ships. I believe that this waste is the Navy's responsibility and that it is improper and illegal for them to place this responsibility on the ship repair firms. The Attorney General's office has concurred that the Navy cannot remove itself from its responsibility, and I have decided to introduce legislation to enforce this ruling.

I have enclosed for your review a draft of a bill which would place the responsibility for the disposal of hazardous waste back on the Navy. I am still working with Legislative Counsel on a final draft, and I would appreciate any comments you might have on this bill.

I appreciate your consideration of this matter, and I look forward to hearing from you.

Sincerely,


JIM BATES
Member of Congress

JB:es

BATES072

HLC

99TH CONGRESS
2D SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. Bates introduced the following bill; which was referred to
the Committee on _____

A BILL

To amend the Solid Waste Disposal Act to clarify the application
of certain regulations to the United States Navy with respect
to naval vessels.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

1 SECTION 1. LIABILITY OF THE UNITED STATES FOR NAVAL VESSELS.

2 Section 3002 of the Solid Waste Disposal Act is amended
3 by adding the following at the end thereof:

4 `` (c) UNITED STATES NAVAL VESSELS.--In any case in which
5 the United States Navy has arranged for the removal from a
6 vessel owned or operated by the United States of any
7 hazardous waste listed or identified under this subtitle, the
8 United States Navy shall be subject to the regulations under
9 this section as a generator or such hazardous waste. No
10 provision of any contract shall be effective to transfer the
11 obligation of the United States to comply with such
12 regulations to any other person. Nothing in this subsection
13 shall be construed to affect the application of the
14 regulations under this section to any person other than the
15 United States Navy.'`.

□ 1250

Mr. ASPIN. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the committee chairman, the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I thank the gentlewoman for yielding.

It seems to me that the gentlewoman is dealing with a real problem here that we did not foresee when we made the original cuts. I support the gentlewoman's amendment.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Wisconsin, and I hope that other Members can do likewise.

If I could just break out the overseas transfers and what percentage of the PCS is needed—and I am including Alaska and Hawaii—for the Army, it is 71 percent. That is a particularly high amount of the PCS accounts used, 71 percent for moving overseas.

Mr. BUSTAMANTE. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the gentleman from Texas, who has worked hard on this issue and cares a lot about families.

(Mr. BUSTAMANTE asked and was given permission to revise and extend his remarks.)

BUSTAMANTE. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise in support of Mrs. SCHROEDER's amendment to provide adequate reimbursement to military personnel and their families for permanent change of station moves.

The number and costs of transfers of military personnel from one permanent duty station to another raise two major concerns. First, there is concern that the services are moving people too often which creates unnecessary turbulence, impacts adversely on readiness, and causes undue hardship on military members and their families. Second, I am extremely concerned about the level of out-of-pocket expenses service members have to pay during a permanent change of station move.

The Air Force estimates that for every \$4 service members spend on permanent change of station moves, only \$1 is reimbursed. In addition, more than half of all Air Force personnel must either borrow money or use some portion of their savings to pay for a permanent change of station move. I find this situation distressing and believe that the Government, and not the service member, should bear the cost of Government directed moves.

I urge your vote for the Schroeder amendment on behalf of the men and women who serve.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Is there any opposition to the amendment?

If not, the question is on the amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER).

The amendment was agreed to.

The CHAIRMAN pro tempore. Under the rule, amendment No. 51 has been accepted.

Under the rule, amendment No. 52 would be in order, and the Chair understands that the gentleman from California (Mr. PANETTA) desires a colloquy.

Mr. PANETTA. That is correct, Mr. Chairman.

The CHAIRMAN pro tempore. Without objection, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

There was no objection.

Mr. PANETTA. Mr. Chairman, will the gentleman from Wisconsin (Mr. ASPIN) join me in a colloquy on the issue of providing special pay for members of the Armed Services who are proficient in foreign languages?

Mr. ASPIN. I would be happy to engage in a colloquy with the gentleman from California (Mr. PANETTA) on that issue, if the gentleman will yield.

Mr. PANETTA. As the gentleman knows, the knowledge of foreign languages is a central component of our intelligence-gathering operation. More than 22,000 of our service personnel are required by their jobs to have a foreign language skill. The State Department, the National Security Agency, and the Central Intelligence Agency all recognize the importance of this skill and pay their employees more money for possessing them. The Department of Defense does not.

I have proposed legislation—H.R. 5306—which would provide extra pay for servicemembers proficient in foreign languages if that proficiency is required for their job. I understand that the Senate authorization bill contains a very similar program. I am prepared to offer an amendment based on my legislation that would match the Senate provision. But, I certainly understand the chairman's wish to move forward on this bill as quickly as possible.

My point is this: If the chairman would be willing to look at the Senate provision in conference—in the context of the budget constraints the House has supported—and give it strong consideration, then I would be willing to withhold my amendment. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Let me say first of all that I share the gentleman's view that, given the requirement for language proficiency in many of our intelligence-related jobs in the Department of Defense, providing extra pay for servicemembers with foreign language proficiencies has considerable merit.

As the gentleman knows, the Department of Defense has asked for this program, and funds were included in the legislative contingencies account of the budget for it. In fact, this was one of the more meritorious programs contained in that account. But, given our budgetary constraints, the contingencies account was zeroed out

in committee. This was done without prejudice to the proficiency pay program.

I can assure the gentleman that during the upcoming conference on this bill, we will be looking very carefully at the Senate provision to authorize foreign language proficiency pay. Of course, we will be looking at all conference items with an eye on budget targets, but given the strengths and benefits of this program, I know that we will look at this program carefully and make every attempt possible, within the constraints of the budget that we face at that time, to authorize a proficiency pay program.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for his comments. I know he supports the same basic goal, and I urge him to do that in conference.

Mr. Chairman, with this understanding, I will not offer my amendment.

The CHAIRMAN pro tempore. Under the rule, the next amendment in order is amendment No. 53. That amendment has been accepted.

The next amendment in order is amendment No. 54. It is the Chair's understanding that the author of that amendment will not offer the amendment.

The next amendment in order is amendment No. 55. This amendment was accepted by voice vote.

The next amendment in order is amendment No. 56. That amendment was also accepted by voice vote.

The next amendment in order is amendment No. 57. That amendment was accepted by voice vote.

The next amendment in order is amendment No. 58 by the gentleman from Virginia (Mr. BATEMAN).

AMENDMENT OFFERED BY MR. BATEMAN

Mr. BATEMAN. Mr. Chairman, I offer amendment No. 58.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BATEMAN: On page 130, line 16, after "Provisions" and before "specifying," mutually acceptable to the Navy and the contractor".

On page 131, line 5, after "performed" insert "including any waste materials rendered hazardous as a result of the performance of the work required by the contract".

On page 131, after line 5, add the following new subsections:

"(c) IDENTIFICATION NUMBERS.—Each naval vessel, or each Supervisor of Shipbuilding in lieu of each vessel, at or upon which hazardous wastes are produced or from which hazardous wastes are removed, shall obtain an identification number which shall be used on all contracts, manifests, and invoices for the transportation of such wastes for treatment, storage, or disposal in accordance with regulations issued by the Administrator of the Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976 as amended. For purposes of this provision, the term 'hazardous wastes' shall include all wastes for which the contractor is entitled to reimbursement under subparagraph (a)(2) or (b) of this section.

"(d) REIMBURSEMENT.—The contractor shall be reimbursed by the United States for long-term liability costs of cleanup or remedial action, any other necessary costs of response, and damages for injury to, destruction of, or loss of natural resources, including the costs of assessing such injury, destruction, or loss, as well as reasonable attorney's fees, resulting from the non-negligent performance of the duties described in paragraph (a)(3). The liability of the United States under this provision is subject to the availability of appropriated funds to cover such liability at the time a contingency occurs."

MODIFICATIONS OF AMENDMENT OFFERED BY MR. BATEMAN

Mr. BATEMAN. Mr. Chairman, I ask unanimous consent that modifications to the amendment which is at the desk be accepted.

The CHAIRMAN pro tempore. The clerk will report the modification.

The Clerk read as follows:

Modification to the amendment offered by Mr. BATEMAN:

The modifications are as follows:

In the amendment to page 130, line 18, strike out "and before 'specifying,'" and insert in lieu thereof "insert".

In lieu of the amendment to page 131, line 5, insert the following:

On page 131, line 5, strike out "performed," and insert in lieu thereof "performed, including any waste materials rendered hazardous as a result of the performance of the work required by the contract."

In the matter proposed to be inserted on page 131, after line 5, strike out subsection (d) (and insert closing quotation marks and a period at the end of the subsection (c)).

Mr. BATEMAN (during the reading). Mr. Chairman, I ask unanimous consent that the modifications, which I will explain, be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN pro tempore. Without objection, the modifications are accepted.

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. BATEMAN, as modified: On page 130, line 18, after "Provisions" insert before "specifying," "mutually acceptable to the Navy and the contractor".

On page 131, line 5, strike out "performed," and insert in lieu thereof "performed, including any waste materials rendered hazardous as a result of the performance of the work required by the contract."

On page 131, after line 5, add the following new subsections:

"(c) IDENTIFICATION NUMBERS.—Each naval vessel, or each Supervisor of Shipbuilding in lieu of each vessel, at or upon which hazardous wastes are produced or from which hazardous wastes are removed, shall obtain an identification number which shall be used on all contracts, manifests, and invoices for the transportation of such wastes for treatment, storage, or disposal in accordance with regulations issued by the Administrator of the Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976 as amended. For purposes of this provision, the term 'hazardous wastes' shall include all wastes for which the contractor is entitled to reimbursement under subparagraph (a)(2) or (b) of this section."

The CHAIRMAN pro tempore. The gentleman from Virginia [Mr. BATEMAN] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chairman recognizes the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, the modification that is at the desk simply eliminates from the floor amendment the last paragraph dealing with reimbursement of ship repair firms for liability in their disposal of hazardous waste. That provision eliminated. That accommodates concerns expressed to me as the author of the amendment by the chairman of the Committee on Energy and Commerce and the chairman of the subcommittee. Both the distinguished gentleman from Michigan [Mr. DIXON] and the gentleman from New Jersey [Mr. FLORIO], the subcommittee chairman, have agreed to the amendment with this deletion.

□ 1300

I believe it also has the support in the amended form of the membership of the Armed Services Committee and with all those with whom I have assiduously tried to discuss it, and I know of no pending objection to it in the modified form.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from Florida.

Mr. BENNETT. Mr. Chairman, in the modified form of the amendment to the amendment, it is agreeable to me and to the committee to accept that and also the main amendment with those modifications.

Mr. BATEMAN. Mr. Chairman, I thank the chairman of the Seapower Subcommittee.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The question is on the amendment, as modified, offered by the gentleman from Virginia [Mr. BATEMAN].

The amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment in order is No. 59. Does the gentleman from West Virginia [Mr. RAHALL] desire to offer his amendment?

Mr. ASPIN. Mr. Chairman, it is my understanding that the gentleman from West Virginia [Mr. RAHALL] does not want to offer his amendment.

The CHAIRMAN pro tempore. The gentleman from West Virginia [Mr. RAHALL] declines to offer amendment No. 59.

The next amendment in order is No. 60. That will not be offered.

The next amendment in order is No. 61. It is the understanding of the Chair that the gentleman from California [Mr. DORNAN] is going to offer No. 61. Is the gentleman in the Chamber?

If not, the amendment is declined.

The next amendment in order is No. 62 of the gentleman from New York [Mr. SOLOMON]. Does the gentleman

from New York desire to offer his amendment?

Mr. SOLOMON. Mr. Chairman, I do not plan to offer this amendment. I have amendment No. 101 which will come up later and which will take its place.

I yield back this 40 minutes.

The CHAIRMAN pro tempore. The gentleman from New York declines to offer amendment No. 62.

The next amendment in order is No. 63. It is the understanding of the Chair this will not be offered.

The next amendment in order is No. 64.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer amendment No. 64.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of New Jersey: At the end of part B of title VIII of division A (page 168, after line 13), insert the following new section:

SEC. 814. ELIGIBILITY OF PHILANTHROPIC INSTITUTIONS TO RECEIVE REIMBURSEMENT UNDER CHAMPUS.

(a) IN GENERAL.—

(1) ACTIVE-DUTY DEPENDENTS.—Section 1079 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(1) Notwithstanding subsection (j), a hospital that is operated primarily for philanthropic purposes may not be denied payment for a charge for services for which a claim is submitted under a plan contracted for under subsection (a) solely on the basis that such hospital does not impose a legal obligation on patients to pay for such services."

(2) CERTAIN MEMBERS, FORMER MEMBERS, AND THEIR DEPENDENTS.—Section 1086 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) Notwithstanding subsection (d) or any other provision of this chapter, a hospital that is operated primarily for philanthropic purposes may not be denied payment for a charge for services for which a claim is submitted under a plan contracted for under subsection (a) solely on the basis that such hospital does not impose a legal obligation on patients to pay for such services."

(b) EFFECTIVE DATE.—Section 1070(1) of title 10, United States Code (as added by subsection (a)(1)), and section 1086 of such title (as added by subsection (a)(2)) shall apply with respect to medical care received after the date of the enactment of this Act.

The CHAIRMAN pro tempore. The gentleman from New Jersey [Mr. SMITH] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, the amendment I am offering today will reform CHAMPUS regulations to provide payment to philanthropic hospitals which do not charge their patients or impose a legal obligation to pay for services rendered.

DUNCAN L. HUNTER
48TH DISTRICT, CALIFORNIA

COMMITTEE ON ARMED SERVICES

SUBCOMMITTEES:
MILITARY PERSONNEL
AND COMPENSATION

SEAPOWER AND STRATEGIC AND
CRITICAL MATERIALS

SELECT COMMITTEE ON NARCOTICS
ABUSE AND CONTROL

REPUBLICAN TASK FORCE
ON AGRICULTURE

ASSISTANT REGIONAL WHIP,
WESTERN AND PLAINS STATES



Congress of the United States
House of Representatives
Washington, D.C. 20515

MEMORANDUM

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- ☐ 430 DAVIDSON STREET
CHULA VISTA, CA 92010
(619) 422-0893

TO: The Propeller Club

FROM: Duncan Hunter

DATE: September 3, 1986

RE: NAVY HAZARDOUS WASTE AMENDMENT PASSES FULL HOUSE

Ship repair contractors who handle Navy hazardous waste will receive greater protection under an amendment I introduced to the 1987 Department of Defense (DoD) Authorization Bill passed recently by the full House of Representatives.

The amendment requires the Navy to identify the types and amount of hazardous waste on a vessel, to specify the responsibility for handling and disposing of the waste between the Navy and the contractor, and to compensate the contractor for the work required.

I have enclosed a copy of the amendment as it was passed by the full House and the explanation of the amendment from the House Armed Services Committee Report on the 1987 DoD bill.

Section 801 would also repeal section 8104 of the Department of Defense Appropriations Act, 1986 (section 101(b) of Public Law 99-190), which provides that none of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

**SECTION 802. HAZARDOUS WASTE GENERATION DURING
REPAIR OR MAINTENANCE OF NAVAL VESSELS.**

Section 802 would require that the Secretary of the Navy ensure that contracts entered into for repair or maintenance of a naval vessel include the following provisions:

1. That types and amounts of hazardous wastes that are expected to be generated during performance of repair or maintenance be identified in the contract;
2. That the contractor be responsible for the removal, handling, storage, transportation, and disposal of hazardous wastes generated during performance of repair or maintenance; and
3. That the contractor be compensated for the duties listed in paragraph (2).

Section 802 would further provide that the Secretary of the Navy renegotiate the contract if the contractor, during the performance of repair or maintenance under the contract, discovers hazardous wastes different in type or amount from those identified in the contract; and if such hazardous wastes originated on the naval vessel on which the repair or maintenance is being performed.

In including this provision the committee notes its support both for the identification of hazardous wastes that might originate on a naval vessel in the course of repair or maintenance work and for the need to deal with the handling of such hazardous wastes as a contractual matter between the Navy and the contractor.

The committee notes further, however, that the identification issue is but one part of the overall relationship between the Navy and its ship repair contractors concerning responsibility and liability for hazardous waste disposition. The issue is who should bear the ultimate liabilities that may be associated with the handling of hazardous wastes. The current absence of a contractual acceptance of such liability by the Navy for any hazardous wastes, including those originating on naval vessels, could make it difficult to assign even partial liability to the Navy should the hazardous wastes become an environmental problem at some future time.

The committee encourages the Navy to continue its ongoing discussions with representatives of the ship repair industry in an effort to resolve this issue. To that end the committee directs the Navy to report on the status of these discussions and on any recommendations for improving the current situation to the Committees on Armed Services of the Senate and House of Representatives not later than January 31, 1987.

Union Calendar No. 428

99TH CONGRESS
2D SESSION

H. R. 4428

[Report No. 99-718]

To authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1986

Mr. ASPIN (for himself and Mr. DICKINSON) (by request) introduced the following bill; which was referred to the Committee on Armed Services

JULY 25, 1986

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 18, 1986]

A BILL

To authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

1 *"§ 7311. Repair or maintenance of naval vessels: handling of*
2 *hazardous waste*

3 *"(a) CONTRACTUAL PROVISIONS.—The Secretary of*
4 *the Navy shall ensure that a contract entered into for repair*
5 *or maintenance of a naval vessel includes the following provi-*
6 *sions:*

7 *"(1) IDENTIFICATION OF HAZARDOUS*
8 *WASTES.—Provisions identifying the type and*
9 *amounts of hazardous wastes that are expected to be*
10 *generated during the performance of the repair or*
11 *maintenance.*

12 *"(2) COMPENSATION.—Provisions specifying*
13 *that the contractor shall be compensated under the con-*
14 *tract for work performed by the contractor for duties of*
15 *the contractor specified under paragraph (3).*

16 *"(3) STATEMENT OF WORK.—Provisions specify-*
17 *ing the responsibilities of the Navy and of the contrac-*
18 *tor, respectively, for the removal, handling, storage,*
19 *transportation, and disposal of hazardous wastes gener-*
20 *ated during the performance of the repair or mainte-*
21 *nance.*

22 *"(b) RENEGOTIATION OF CONTRACT.—The Secretary*
23 *of the Navy shall renegotiate a contract described in subsec-*
24 *tion (a) if—*

25 *"(1) the contractor, during the performance of*
26 *repair or maintenance under the contract, discovers*

DUNCAN L. HUNTER
46TH DISTRICT, CALIFORNIA

COMMITTEE ON ARMED SERVICES

SUBCOMMITTEE:
MILITARY PERSONNEL
AND COMPENSATION
SEAPOWER AND STRATEGIC AND
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Congress of the United States
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(619) 422-0883

FOR IMMEDIATE RELEASE

Contact: John Palafoutas
(202) 225-5672

July 25, 1986

HUNTER HAZARDOUS WASTE AMENDMENT PASSES FULL COMMITTEE

WASHINGTON, D.C. -- Rep. Duncan Hunter has pushed through the House Armed Services Committee an amendment that requires the Navy to identify hazardous wastes in ship repair contracts and to compensate private ship yards who handle and dispose of the materials. The amendment was part of the 1987 Department of Defense Authorization Bill

"The amendment requires the Navy to take greater responsibility for the toxic wastes its ships generate," Hunter said. "The Navy is the owner and operator of these ships, and as long as private yards handle their hazardous wastes properly the Navy should assume some measure of liability for associated dangers.

"All San Diego shipyards that handle hazardous wastes for the Navy are facing rising liability insurance costs," Hunter said. "These premiums could rise high enough to put many of them out of business if they have to shoulder the total short and long-term responsibility for Navy hazardous waste.

-- more --

Law

CC: HAZWASTE
COMMITTEE-SD

MIKE MCK
MIKE ANDERSON
BRAD F/S.P.

CARL -
BILLY -
HERB -

HAZWASTE FILE ✓

David Goldfarb and his
Soviet authorities yester-
a two-year fight for freed-
at Newark International
last night in the company
industrialist Armand

er, the chairman of Occi-
etroleum Corp. who per-
Soviet leadership to grant
Goldfarb an exit visa, flew
from Moscow to the Unit-
in his corporate jet.
b, 67, and his wife, Cecilia,
greeted on their arrival in
by Goldfarb's sister, Nina
b, and their son, Alexander
a microbiologist at New
lumbia University.
ere to greet them was Ni-
niloff, the U.S. News and
port correspondent recent-
y the Kremlin following his
Moscow on espionage
Goldfarb reportedly reject-
request to help frame Dan-
M.
partment spokesman Pete
confirming Goldfarb's re-
terday, said, "The U.S. gov-
as followed Dr. Goldfarb's
closely for a number of
d we welcome the resolu-
is case."
b, a molecular biologist in
medical care, is one of the
SSIDENT on Page A-20

and other "foreign-looking" job ap-
licants.
Under the bill, employe could
choose freely among equa. ali-
fied applicants, but could not other-
wise base a rejection on an appli-
cant's "alienage," or alien status.
Of special interest to the House
See IMMIGRATION on Page A-19

against a move that could clear the
way for the Air Force to dump the T-
46A jet trainer, which is built at a
Fairchild Republic Co. plant in
Farmingdale, N.Y.
Sen. Barry Goldwater, R-Ariz.,
chairman of the Armed Services
Committee, who was pushing the
See BUDGET on Page A-13

Arms budget may aid S.D. shipyards

By William Osborne
Copley News Service
WASHINGTON — The \$290 billion
defense budget bill approved by Con-
gress this week includes provisions
that could give a financial shot in the
arm to the ailing Southern California
ship repair industry.
The legislation, authorizing De-
fense Department spending for the
fiscal year that began Oct. 1, would
require the Navy to award ship re-
pair, overhaul and maintenance con-
tracts of six months or less to con-
tractors in the ship's home port pro-
vided that "adequate competition" is
available in the local port.
It also would require, for the first
time in connection with ships on the
West Coast, that when awarding con-

tracts for any ship repair work the
Navy consider "the foreseeable
costs" of moving the ship and its
crew from the home port to another
port bidding for the contract.
"It will help," said Irv Refkin,
owner of a marine electrical repair
subcontracting company and presi-
dent of the Ship Repair Association
in San Diego.
He described the plight of the local
ship repair industry as a "depres-
sion," noting that San Diego contrac-
tors performed \$350 million in work
in 1984, with the workload sinking to
\$277 million in 1985 and \$120 million
this year.
But Refkin said the good news in
the defense authorization bill was
See DEFENSE on Page A-12

A-12 The San Diego Union

Friday, October 17, 1986

Defense: Aid for shipyards possible

Continued from A-1

tempered by the bad news of another
congressional vote earlier this week
approving funding for the construc-
tion of new Navy ports in Everett,
Wash., and Staten Island, N.Y.
That vote paved the way for Navy
Secretary John Lehman to proceed
with his plan to disperse the Navy
fleet to new or expanded ports on the
East, West and Gulf coasts, meaning
a reduction of ships assigned to San
Diego.
The precise language in the au-
thorization bill regarding the inclu-
sion of foreseeable moving costs in
contract bids — the so-called inter-
port differential — fell short of the
tougher language sought by Reps.
Duncan Hunter, R-Coronado, and
Jim Bates, D-San Diego. They had
sought to require the Navy to consid-
er "all costs" of moving ships outside
the home port for repair and
overhaul.
But Refkin and Bob Bates, Wash-
ington lobbyist for San Diego-based
Southwest Marine, said the bill's lan-
guage is nevertheless expected to
provide a significant boost to the ship
repair industry in San Diego as it
competes for Navy work.

Industry officials offered mixed
views of the impact of another provi-
sion sponsored by Hunter. It would
require that ship repair contracts
identify the types and amounts of
hazardous wastes expected to be
generated during the work, that the
contractor be compensated for the
disposal of the waste and that con-
tracts be renegotiated if different
amounts or types of wastes are found
than those initially identified.
However, Bob Bates said the provi-
sion for contract renegotiation is a
"key element" that will aid the indus-
try.
He and Refkin agreed that another
provision Hunter sought unsucces-
sfully remains the major factor of the
hazardous waste issue. That provi-
sion would have made the Navy per-
manently liable for long-term dam-
ages in connection with the handling
and disposal of toxic wastes by ship
repair contractors.
The authorization bill also includes
provisions important to Southern
California aero-space contractors.
It would authorize up to \$20 mil-
lion for additional evaluation of a po-
tentially revolutionary energy recov-
ery system designed by Solar Tur-

bines Inc. of San Diego and dubbe
RACER, for Rankine Cycle Energ.
Recovery.
It also would authorize \$666.7 mil-
lion for the construction of 324 To-
mahawk long-range cruise missiles
for which the prime contractors are
the Convair Division of General Dy-
namics Corp. in San Diego and
McDonnell-Douglas Corp. in St.
Louis.
It would authorize \$547.2 million
for research and development and
\$180.3 million for procurement for
the C-17 aircraft built primarily by
Douglas Aircraft Co. of Long Beach,
a McDonnell-Douglas subsidiary.
It would authorize \$2.4 billion for
procurement of three DDG-51 AEGIS
guided missile destroyers. Todd Ship-
yard in Long Beach is expected to
bid for the work.
And it would authorize \$296.3 mil-
lion for procurement of 20 F-20 or F-
16 aircraft, to be determined by an
air defense competition between Los
Angeles-based Northrop Corp., de-
veloper of the F-20, and St. Louis-
based General Dynamics Corp., de-
veloper of the F-16. The winner of
that competition is to be determined
by Nov. 1.

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RCRA

DRAFT
PROPOSED CONTRACT CLAUSE
Disposal of Hazardous Wastes

The disposal of hazardous wastes by the contractor shall be in accordance with the Resource Conservation and Recovery Act (RCRA) and all other applicable Federal, State and local laws, codes, ordinances and regulations.

Where hazardous wastes are generated by either party during the period of performance of a Job Order (relating to the repair/overhaul of a Naval vessel) performed at a facility owned, leased (including the lease of a Navy facility), or otherwise under the control of the contractor or a subcontractor, the contractor shall dispose of such wastes, use its generator number and assume all generator responsibilities under RCRA. Where the work is performed at a government-owned facility (other than a facility leased to the contractor), a Navy generator number shall be used. In this latter situation, responsibility for the actual disposal of the wastes will be established in the Job Order.

The Navy and the contractor hereby acknowledge their respective liabilities for the disposal of hazardous wastes as established by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and RCRA. Disposal of hazardous wastes by either party shall not serve to relieve the party not disposing of the wastes of liability. Where the contractor disposes of hazardous wastes that are generated solely by Navy personnel, compliance with applicable Federal, State, and local laws, codes, ordinances and regulations will relieve the contractor of any liability under CERCLA and RCRA. The contractor is not relieved of liability where it disposes of mixed Navy-contractor generated hazardous wastes or wastes generated solely by contractor (including subcontractor) personnel. Disposal of hazardous wastes by the Navy shall not relieve the contractor of its liability under CERCLA or RCRA for hazardous wastes that are generated solely by the contractor and its share of liability for mixed Navy-contractor generated hazardous wastes. Nothing contained herein shall serve to establish CERCLA liability.

San Pedro Div sent this :
it reflects the new law, as I
read it...

Comments to Bob McKay, plb :

cc: HAZWASTE COMMITTEE
Bob McKay
NERB
Lloyd
HAZWASTE FILE

dy
10/23/86

ENCL. (1)

NAVSEA
STANDARD WORK ITEM

SHIP
COAR
SWI FILE NO
REVISED

ITEM NO
PCN
SURVEYOR

1. SCOPE

1.1 Title: Hazardous Waste; procedures for handling of initial ship-board waste removed from ship at contractor's facility.

1.2 Location of work:

2. REFERENCE

- a. Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et seq.
- b. RCRA regulations, 40 C.F.R. Part 262
- c. (Appropriate State Code or Standards)
- d. (Appropriate Regional or Local Code or Standards)
- e. Hazardous Waste Manifest Form, EPA Form 8700-22, as implemented by State.

3. REQUIREMENTS

3.1 Comply with the requirements of 2.a, 2.b, 2.c, and 2.d.

3.1.1 Applicable definitions, including "hazardous waste," are contained in 2.a, 2.b, 2.c, and 2.d.

3.2 Provide all services required for the lawful removal and disposal of a quantity of _____ plus or minus _____ percent of hazardous waste on-board the ship at the time of arrival at the contractor's facility.

3.2.1 The hazardous waste on-board is estimated to include the following types of waste:

3.2.1.1 Identify hazardous waste of an unknown nature to be disposed prior to offloading from ship utilizing the services of a testing laboratory approved under 2.c and 2.d.

3.2.2 Complete all blocks required to be completed by Generator on 2.e.

~~3.2.2.1 Include contract job order number in~~
Generator block.

3.2.2.2 Attach a copy of any report of a chemical analysis or other document evidencing identification of the waste.

3.3 Ensure that transportation of hazardous waste is accomplished only by haulers registered to perform such transportation with cognizant state and federal agencies.

3.2.1 Obtain Transporter signature on 2.e.

3.4 Ship hazardous waste to the appropriate site.

3.5 Submit one copy of 2.e signed by owner or operator of disposal facility along with any documentation of analysis accomplished in 3.2.1.1 to the within 24 hours of receipt from owner or operator of disposal facility.

3.6 Nothing contained in this work item order shall relieve the contractor from complying with applicable federal, state and local laws, codes, ordinances regulations and including the obtaining of licenses and permits, in connection with hazardous materials in the performance of this contract.

4. NOTES

4.1 The contractor must have an EPA identification number as defined in reference 2.b.

5. GOVERNMENT FURNISHED MATERIALS (GFM)

5.1 None